

THE
C A S E
OF THE
FREE SCRIVENERS
OF LONDON:

Set forth in

*A Report from a Committee of the
Court of Assistants of the Company
of Scriveners, London:*

TO THE

Master, Wardens and Assistants of
the Company.

At their COURT holden the 23d Day of
June 1748.

*By the Clerk of the said Company,
Jeremiah Bentham, Writer to Jeremy Bentham
Samuel Bentham.*
LONDON: Printed in the Year, 1749.



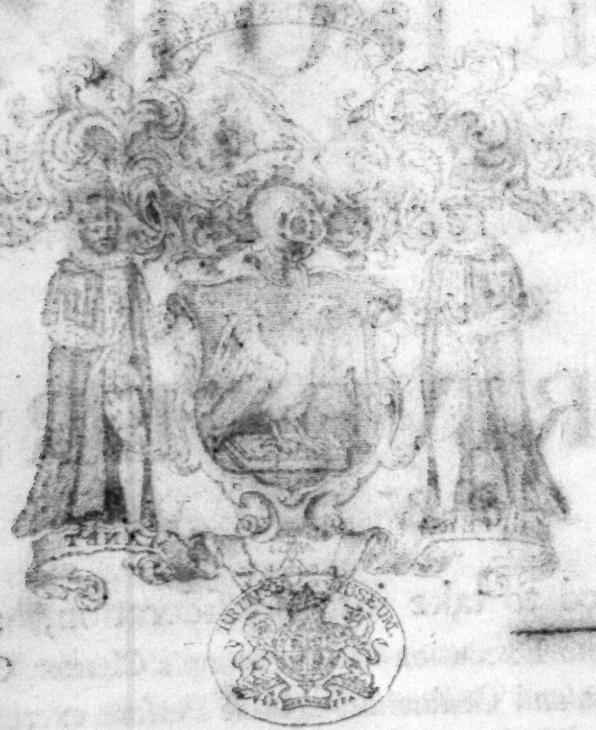
THE
REPORT
FROM THE
Committee of Assistants
Of the Company of
SCRIVENERS,
LONDON:

Appointed to take into Consideration, and
carry into Execution the Company's Charter, Con-
stitutions and Ordinances against Persons exercising
the Art, Mystery or Occupation of SCRIVENERS in
the City of LONDON, and Elsewhere, within the
Limits of the said Charter, who are neither free of
the COMPANY, nor of the CITY:

*To the Master, Wardens, and Court
of Assistants of the said Company;*

DELIVERED

The Twenty-third Day of June, MDCCXLVIII.





THE
R E P O R T
 OF THE
COMMITTEE.



OUR COMMITTEE, with a View effectually to answer the Purposes for which they were appointed, having thought proper to inquire, as far back as was possible, into the Nature and Constitution of the Art or Mystery of SCRIVENERS, and the particular Laws

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Laws and Regulations, by which they were anciently governed, as making one of the Free Companies of the City of LONDON, find, that the Scriveners of *London* have been, Time out of Mind, a Society or Company by Prescription; and were originally called *Common Scriveners*, or *Writers of the Court Letter of the City of London*: And, that the proper Business of a Scrivener was, to make Charters and Deeds concerning Lands, Tenements and Inheritances, and all other Writings, which by the Common Law, or Custom of the Realm, were required to be sealed.

IT likewise appeared to Your Committee, that the Business of a Scrivener was reputed and esteemed such a Craft, Art, Occupation, Mystery, or Trade, as no one, by the Custom of the City of *London*, could or ought, to follow or exercise therein, without being free of the City; and, that none could be bound Apprentice to a Scrivener of *London* for any less Time than the Term of Seven Years, in like Manner as Apprentices are bound to other Trades or Mysteries within the said City.

THIS being the Original Constitution, upon the Foot of which they became a free Company of the City of *London*, Your Committee find, by an ancient Book belonging to the Company, yet extant, called their *Common Paper*, That the Common Scriveners

veners of *London* in antient Times before their Incorporation by Charter, made sundry Applications to the Lord Mayor and Aldermen (in whom was vested, the chief Rule and Government of the several Mysteries or Companies of the City) for written Ordinances, to confirm to them the Regulation of all Persons professing or exercising the Art or Mystery of Scriveners, within the City of *London*, and the Suburbs thereof, as by themselves were from Time to Time deemed necessary and conducive to the Common Good of their Art, and the Publick Utility. Of these written Ordinances Your Committee think proper to lay before You as many as have come to their Knowledge, and by way of Introduction thereto, they are of the Opinion it may be necessary for them, in the first Place, to set forth an antient general Ordinance, of the Lord Mayor and Aldermen, for the Regulation of the Companies of all the several Arts or Mysteries within the City which was made so long ago as in the Time of *Adam de Bury*, Mayor, in the thirty-eighth Year of King *Edward the Third*; and entered in the Chamber of the *Guildhall, London*, in *Book G. Fol. 135.* under the Title of, *General Articles for all the Mysteries of London*, as hath appeared to Your Committee, by means of a Transcript of it in your ancient Book, the *Common Paper*, the Original of which being in *Old Law French*, Your Committee lay before You an old *English* Translation of it as follows, *viz.*

Item,

Item, It is Ordeyned, that all Occupations of the Citie of London shall be lawfullie ruled and governed every one in his Nature, in due Manner, so that no Falsboode or Deceipt be founde in any Manner of Occupations aforesaid, for the Honour of the good Company of the said Occupations, and for the common Profit of the People; that of every Occupation there be chosen and sworne fower or six, or more or less as the Occupation shall require necessarily; which Parsons so chosen and sworne have full Power of the Maior, the same well and truly to doo and perfourme. And if any of the said Occupations be rebellious, contrarious, or disturbing, so that they cannot perfourme duely their Office, and there of be found faultie, that the same Parson shall abyde in Prysone by the Space of Tenne Dayes, and shall paye to the Comynaltie for the Contempt Tenne Shillings; for the second Tyme shall abyde in Pryson Twenty Dayes, and shall paye to the Comynaltie Twenty Shillings; And for the third Tyme shall abyde in Pryson by Thyrtie Dayes, and shall paye to the Comynaltie Thyrtie Shillings; And for the fourth Tyme shall abyde in Prysone Fortie Dayes, and shall pay Fortie Shillings.

IN a very few Years after this General Ordinance, as Your Committee find by an Extract from the Chamber of the Guildball in Book G, Fol. 307, the

Common

Common Scriveners of the Court Letter applied themselves to the Lord Mayor and Aldermen, in Manner following, *viz.*

JOHN PYELL, MAYOR, the 26th Day
of September in the 47th Year of the Reign of
King Edward the Third after the Conquest.

There came honest Persons, the Common Scriveners
of the Court Letter within the City of London,
and the Suburbs of the same, and did deliver
unto the Maior and Aldermen a certain Bill,
after this Form:

To the Honorable Sirs, the Maior and
Aldermen of the City of London;

P RAYEN the Scryveners of the Court Letter of
the said City, That where their Miftery is very
necessary within the said Citie, especially if it be up-
rightly and sagely by Men expert in the same Miftery
ruled and used. And for default of good Rule many
Mischiefs be and often rise in the said Miftery by them
that come out of dyverse Countreys into the said Citie,
as well Chapleyns as other that have no Knowledge of
the Customes, Frauncbesies and Usages of the said Citie,
and cause themselves to be called Scryveners, and take
upon them to make Testaments, Charters, and all other

B Things

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Things belonging to the said Mysterye: Whereas they be Foreiners, and not knowne, ne knowing so much as the foresaid Scryveners which be free of the said City, which of long Time have been learned in the said Mysterye, and have geven great Sums for their Learning and Fraunchesies to the great Loss and disinheritynge of many People, as well of the Citie as of many Places within the Realme; And also to the great Damage and Sclaundre of all the honest and true Men of the said Mystery. In Consideration whereof the said honest Company of Scryveners, Prayen, That it may please Your Honorable and Discreet Lordship, to graunt unto them, and to establishe for the Public Weale of the said Citie, and of the other Countries, as also for the Honesty and Amendment of their Estate, That they and their Successors for ever may be ruled and enjoy their Fraunchises in their Decree, according to the Articles ensuing, viz..

Imprimis, They desir that none be suffered to kepe Shoppe within the said Cittie, neither within the Suburbs of the same, unless he be free of the said Citie, and enfranchised in the said Mystery by the Company of the said Mystery.

Item, That none be receaved into the said Fraunchesie unlesse he be first examined and found bable by them of the said Mystery, whick for the Tyme by you or your Successors shall be assigned and appointed

of the Company of Scriveners.

II

pointed thereunto, and be Wardens of the said Mi-
stery.

Item, That every Scryvener of the said Citie and
of the Suburbes of the same put their Name to the
Writings which he maketh, that they may be knowne
as their Dedes.

Item, That every one that doth against this Order
and Establishment shall paye unto the Chamber for the
first Time forty Pence, at the second Time six Shil-
lings and eight Pence, and at the third Time ten
Shillings.

Item, That these Articles be enrolled in the said Chambre to be fyrm and sure for ever, which Bill red and herd, and Advice thereupon had by the Maior and Aldermen, It is agreed amongst them and granted, that the Articles aforesaid from henceforth shall be kept, and the Offenders thereof shall be punished in the Penaltie aforesaid, in Form before-written.

AND Your Committee also find, that in the Year 1390, the following Ordinances were made and assented to by the then Masters, or Wardens, and the other Freemen of the Miftery of Scriveners, which Your Committee observe are in the said *Common Paper*.

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called, *The New Ordinances*, and are therein entred, as follows, *viz.*

Imprimis, *That every one that shall be duly enfranchised in the said Mystery of Scriveners shall make specially the Othe following, chargyng therewith himself in the Presence of the Wardeyus of the same Mystery; And who soever will refuse so to doo, and will ne make the same Othe shall be taken as suspect of Falsehood; And also presented to the Maior for a Rebel, which Oath ensueth here in this Forme.*

I N. *of my own proper Will do swear uppon the holy Evangelist, to be true in myne Office and Mysterye, and to do my Diligence that all the Feates that I shall make to be sealed shall be well and lawfully made after my Learnynge and Connyng, and especially I shall not wryte, nor suffer to be written by none of myne, to my Power and Wittyng any manner Dede ne Wrytyng to be sealed, bearing Date by long Time before the makynge of the same, nor by long Time after, nor no Blanke Charter, nor other Dede sealed before the Writing thereof, nor closed Letters of Date to farre, nor of long Tyme, where through any Falshod may be perceyved in my Conscience, nor no*

Coppie

of the Company of Scriveters.

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Coppie of Dede sealed but Worde by Worde by good Examination, and neither for Hast nor for Covetuousse I shall take upon me to make any Dede touching Enheritance, nor other Dede of great Charge, (whereof I have no Conyng,) without good Advisement and Information of Counsaile. And all the good Rules and Ordynauncs of the said Craft, I shall well and truly kepe and observe unto my Power as much as God will give me Grace.— So help me God, and the holy Contents of this Booke.

Item, That every one that shall have made the foresaid Special Othe, shall witness the same Othe to be made by the Wrytyng of his Hand to be entred in the Common Paper of the said Mysterye in Time to come. And when that be shall be a Notary to set his Sign or Mark that liketh him.

Item, That none of the said Mysterye shall on Sondayes, nor on Dayes of doble Feasts kepe open Shoppe for no Busynes nor Gayne of Covetyse, nor shall wryte openly nor prively, unless it be in Cause of greate Necessitie, which maye be delayed by none Means upon Payne of doble paieng the same Gayne and Lucre to the Beboof and Use of their Mysterye, and he that shall keep any open Shop of the said Mysterye to make any open Shewe

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Shewe of his said Mysterye to the Sight of the People upon any Sondaye or festyvall Daye aforesaid, shall incurre the Payne to paye to the Chamber of the Guyldehall of London, for the first Tyme six Shillings and eight Pence, the second Tyme thirtene Shillings and foure Pence, and the thirde Tyme twenty Shillings, and so forthe.

Item, That every one that shall make the said Othe shall at one Tyme be enclothed or apparyled in one Sute, and that at the Feast of Pentecost by the Ordynances of their Wardeyns. And that every one of them for that shall paye a Noble, at the Begynnyng of Lent, before the buyeing of the Clothe, and the rest of the Money for the same as sone as it well may after the lyvreyng of the said Clothe. And that the same Vesture be pryncipallye used on the Daye of the Feast of Pentecyst, in the Honour of God, whiche hathe geven all Knowledge. And that after it be used honestly by twoo Yeres at the least; that is to say, The first Yere on Holydayes, the second Yere on Holydayes, and that their Feast be kept on the Daye of the Holye Trynytie, in Honour of the same Feast.

Item, That every one free of the said Mysterye shall come in proper Parsonie sower Tymes every Yeare at a certen Hower and Tyme within the same Citie, where shall be appoynted by the Commaundement of the Wardeyns

deyns to move, declare and dyspute amongst themselves the Myscbieffs, Perills and Doubts in their Mysterye, for their learnynge Bothe for the kepyng of their said Otbe, and also to make Ordynaunce for the good Rule and Governement of their said Mysterye, That is to say, The first Sondaye after the Daye of Christmas, the next Sondaye after the Daye of Easter, the next Sondaye ensuing the Nativitie of Saint John Baptist, and the first Sondaye after the Daye of Saint Michaell the Archaungell. And that every one that is absent at any of the said foure Termes, without reasonable Excuse, and that maye be dulye proved shall paye for everye Tyme to the Chamber of the Guildhall fortie Pence.

Item, That the old Wardeyns shall make their Ac-
compt uppon a certen Daye lymytted and assygned by
the newe Wardeyns, after that the same newe
Wardeyns have taken their Charge at the Guyldehall.
And that then there shall be Delyverye made unto
them of the Common Paper, and of the Common
Treasourye if any be.

Item, That every one being duly chosen to be War-
dens, and shall refuse the said Office, shall be presented
to the Maior, or to the Chamberlain of the Guildhall
for a Rebell, and shall pay for such Rebellion forty
Skillings, the one Moiety thereof to the Chamber afores-
aid, and the other half to the Use of the said Mystery,
without

without having any Pardon for the Payment thereof. And that without any tarrying one other be chosen in his Place. And that the new Wardens be presented at the Mayor's Court to receive their Charge, as the Manner is within eight Days after the said Election is made.

Item, That none of the said Company of Scrivener-ship shall have any Forreyner to keep Shoppe of the said Mysterye under bym, upon Payne of forty Shillings, to be paid to the Chamber of the Guildball, and forty Shillings to the Use of the said Occupation, and to avoid such Manner Shoppe, or such forreyne Parfone upon Pain of Tenn Pounds to be paid to the said Chamber.

Item, That none of the said Occupation take any Servant allowed in the same Mistery, onlesse the same Person allowed hath been Apprentice in the said Mistery within the said Citie, upon Payne also to pay forty Shillings to the said Chamber of the Guildball, and other forty Shillings to the Use of the said Mistery, and to avoide such Manner Servant, uppon Payne of Tenn Pounds to be paid to the Chamber aforesaid, onles it be by the Favour and Licence of the whole Mistery.

Item, That none of the said Mistery shall take any Apprentice of the said Mistery to the Intent to release him

him Part of his Term by Deceipt uppon Paine also to pay forty Skillings to the said Chamber, and forty Skillings to the Use of the said Mystery. And that every Apprentice be entered in the said Paper after the Enrollment of the Indenture of his Apprenticeship. And that the Wardeyns take good beade to knowe who be Apprentice, and who be allowed Persons.

Item, It is Ordained and Established by the Common Consent of all that be of the said Mysterye that every Person of what Estate and Condition he be, for or by any manner Instance, Request, Prayer, Commandment, Favour or Reward, shall accept or receive as a free Parsone of the said Mystery, or enfranchise within the said Mystery by any Means by the Maisters and Wardeyns, or by any Parsons belonging to the said Mystery, but only by rightfull Manner and Way of Apprenticeship; And that when the same Parsone hath bene Apprentice, well and truly hath deserved and performed with his Master, to whom he was put to be Apprentice, or with his Executors or Assignes the Term of his Apprenticeship, or by the Way of Birth, as the Custom of the said City of London in that Case doth require; And that specially for the Common Profit of the Realm, and Honesty of the said Mystery; And also for the Avoiding and Eschewing of Disorder, especially the like Mischiefs and Dangers which happened in the Tyme past by Straungers ignorant and unknown of

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their good Behaviour and good Fame ; And also nothing expert in the said Mystery made free contrary to this Article. And if any Master, Wardeyns, or other Parsones whatsoever be be in the said Mystery shall do hereafter in any Poynt against this Article, Ordynance and Establishment which duly may be proved by the honest Company of the said Mystery that he at any Time hath done in any Poynt against this Ordinance shall pay for every Time that he shall be so found to have done contrary, or to be culpable to the Chamber of the Guildhall Ten Pounds ; and to the Common Use of the said Mystery Six Pounds thirteen Shillings and four Pence ; And upon that he shall be found and accompted in that his so doing as a Rebell to the Maister and Wardeyns of the said Mystery, and of the good Governaunce of the same, without any Pardon or Remission to be by any Means to be made in that Case at any Time to come..

YOUR Committee alfo find, that agreeable to the before-mentioned Ordinances, this Company for feveral hundred Years before their Incorporation by Charter, uſed from Time to Time to choose certain Persons to be Wardens or Masters for the better Government of their Art or Mystery who upon their being ſo choſen were presented and sworn before the Mayor and Aldermen of the City of London, as an Instance of which Your Committee think proper to ſet forth an Extract from the Chamber of the

Guildhall

Guildball in Book H, Fol. 267, in the Time of Jan Heende, Mayor; and which is therein entered in Manner following, viz.

THE seventeenth Daye of Maye in the fifteenth
Year of King Richard the Second, there came bi-
ther into the Guildball of the Citie of London, the
honest Companye of the Scryveneres of Courte Hand in
the Citie of London, and did present unto the Maior
and Aldermen of the same Cittie, Martyn Seman and
John Cossiar, Scriveners, by them chosen to be Maisters
of their Mysterye aforesaid for the Yere following. On
which Daye the said Martyn and John were sworne
to governe well and truly their Mysterye aforesaid, and
to spare no Man for Love, nor to burden or grieve any
for Hatred; And to present faithfully to the Maior and
Aldermen and Chamberlayne of the Citie aforesaid all
Defaults that they shall knowe in their said Mysterye,
&c.

YOUR Committe also think proper to lay before You, the following Extracts taken from an Entry, in a Book at Guildhall, *Of the Acts and Ordinances of the Lord Mayor and Aldermen of the City of London*, entitled *Letter K*, Fol. 182. viz.

*The thirteenth Day of the Month of January, in
the eighteenth Year of the Reign of King Henry
the Sixth, after the Conquest, came here into the
Chamber of the Guildhall of the City of London,
before Robert Large, Mayor, John Rainswell, John
Godney (and Eleven others) Aldermen of the same
City, the good Men of the Mistry of Writers of
the Court Letter, and presented to the Mayor and
Aldermen, a certain Bill or Supplication contain-
ing the following Order, or Form of Words.*

*To the full Honorable Lord and Sove-
reigns, Maior and Aldermen of the
City of London.*

FULL meekly beseechen the good Folke of the Craft
of Scryveners of Courte Letter in the said City,
That it please unto your full wise Discretions tenderly
to consider the great Parrils and Mischiefs that ofte
tymes have fallen, and yet dayly fallen, by diverse Per-
sons not conyng, ne expert in the said Craft which take
upon them for to make diverse Feates, as well touching
Enberitance as other Feates of Charge, such as belong
to the said Craft: Whereas indeede they are neither ex-
pert ne conyng, and so thorough their Ignorance and
Unconyng hurt greatly and deceive the Common People,

as

as well to their Difberytyng as in other Cases Personals to great Hurt and Disclaundre of the good true Folk of the said Craft; And thereupon graciously to graunt in Escewing of such Parrills and Mischieves in Tyme hereafter, that the Points and Articles hereafter following may be had and admytted for fyrme and stable, and to be entred and enrolled in the Chambre of the Guildball, so that the Good Rule may be observed and kept in the said Craft for their Partie, lyke as it is within other Crafts of the said City.

First, That no Manner Man of the said Craft, of what Condition soever he be, take upon him to make any Evidences or Mynyments that concern Mens Enheritance, ne other great Charges, such as might fall to great Hurte of the King's People, unless that he be first duly examined and founde able by the Wardeyns of the said Craft for the Tyme being and by six or four Persons enfranchised in the said Craft, or by the Maior and Aldermen of the said Citie, and also that no Man, other than such as have served within the said Craft, by way of Apprenticialte from hence forward bolde any Shoppe of the said Crafte within the said Citie, ne in the Suburbs thereof, lesse then he be by the Wardeyns of the said Craft for the Tyme being; and by such six or foure Persons of the said Craft, or else by the Maior and Aldermen of the said City have been examined and founden able, and so for able by them presented; And thereupon

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thereupon be enfranchised in the Craft of Scriveners
aforesaid.*

Item, That no Person enfranchised in the said Craft from henceforward within his Shoppe, ne in none other Place occupie, set on work, ne colour in the said Occupation and Craft of Scriveners any Person lesse than the same Person so set on Work, before that Time have been Apprentice or Enfranchised in the said Craft, without Consent and Special Licence of the Wardeyns of the said Craft; and such six or four Persons enfranchised in the same Craft, or of the Maior and Aldermen of the said City for the Tyme being, upon the Payne of One Hundred Shillings to be arrered of every such Person so founden defectyve in doing the Contrary of this Ordynaunce, and that as oft as he shall thereof be Convict. And the foresaid One Hundred Shillings to be divided in the Fourme ensuing, That is to say, The one Half thereof to remayn to the Use of the Chamber of the Guildhall, and that other Half to the Use of the Company of the said Craft.

Item, That from hensforthe no Parsone be enfranchyed of the same Craft without Licence of the Wardeyns of the same Craft for the Tyme being, and of six or foure of the most sufficient Persones of the same Craft, ne occupie, ne holde open within the said City ne Suburbes thereof, but onely one Shoppe, for the great

great Perrills and Mischieffs that negligently have fallen, and hereafter may fall thorough Ignorance and Unconyng of their Servants or Apprentices, the said Craft so occupieing, or kepyng any Shoppe under his Master; in which the Maister at all Tymes cannot be present to the Oversight and Examynation of all Feates made by his Servant or Apprentice in a Shop so discvered from his Maister, upon Payne of One Hundred Shillings to be arrered of every Parson doing the Contrary of this Article at any Tyme that any so be founde defectyve, and to be devideed in the Fourme aforesaid.

Item, That every Parson of the said Craft holding open Shoppe in this said City and Suburbs from this Tyme forward, when and as often as he there be warned by the Bedell, or Servant, of the said Craft in the Name of the Wardeyns of the said Craft, for the Tyme being, be ready and attendaunt at Houre and Place to hym assinged, upon Payne to pay at every Tyme that he thereof do the contrary, Twelve Pence, to be arrered and divided in Manner and Form above rehearsed.

Whiche said Bill being read before the said Maion and Aldermen, and by them fully understood, be-cause it seemed to them that all the Articles in the said Bill contained are agreeable to Reason, redounding

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redounding to the Profit and Honour of the State of the Commonwealth, with unanimous Consent have Ordered, Decreed and Sentenced, That the said Articles here among others may be entered of Record, in the Manner and Form in which they are prayed, for the future firmly to be observed, reserving to themselves Power to add, diminish, and correct, according to the Variation of Tymes and Circumstances as to them shall seem expedient.

AND that the Company of Scriveners of the Court Letter were accustomed to make Orders and Regulations of themselves for the Government of their Mystery, Your Committee apprehend will farther appear by the following Entry which Your Committee found in the Company's said Common Paper, and which they think proper also to lay before You, viz.

BE it Remembred, That the seventh Day of January, in the Year of our Lord God 1497, and the thirteenth Year of the Reign of King Henry the Seventh, the whole Company of the Fellowship or Mystery of Scriveners of Court Letter of the City of London, in good and honest culty

Manner assembled themselves together in the Mansion or Dwelling Place of Henry Woodcock, then one of the Wardens of the said Fellowship or Miftery, and then and there by good Deliberation heard read openly amongst them, The Articles, Rules and Ordinances concerning them and their said Miftery being written and contained in their Common Paper, and besides to the better Ordering, Comfort and Relief of the said Fellowship, then and there they Ordained, Made and Eſtabliſhing amongst them certain other new Articles to the which they have agreed to be kept, and put in Execution as under ſpecified, (that is to ſay,) .

First, They have Ordained and Eſtabliſhed continually from henceforth to endure, That for as much as diverse Apprentices have been taken, continued and ſerved their Apprenticehood within the ſaid Fellowship that have not had their perfect Congruity of Grammar, which is the Thing moſt neceſſary and expedient to every Person exerciſing and uſing the Scyence and Faculty of the ſaid Miftery; and in Default whereof they cannot have the perfect Knowledge and Cunnyng of the ſaid Scyence, wherethrough oftentimes they err, and their Acts and Feates been incongruous, and not perfectly done to the great Reproach and Slaunder of the ſaid Fellowship, It is therefore Ordained and Enacted by the Common Aſſent abovesaid, that every Person of

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the said Fellowship which at any Time hereafter shall take any Apprentice to the said Science shall bring and present the same Apprentice to the Wardens of the said Fellowship for the Time being, the Name of the said Apprentice to be written in the Book of the said Fellowship, and then to be examined by them, or their Assists, if the same Apprentice have his Congruity or not. And if it be found him that he hath not his said Congruity, that then the Master of the said Apprentice to be monished and charged by the said Wardens that the same Apprentice be set and founden to Grammar School, unto such Tyme as he bove, or by reasonable Capacity may have positive Grammar, or at least that he be competently erudite and learned in the Books of Genders, Declensions, Preterits and Supines, Equivox and Sinonimes with the other Petty Books; and that within four the first Years of his Term, upon Pain that every Master of every such Apprentice which doeth or suffer to be done the Contrary to this Act being monished as is aforesaid shall forfeit and pay at every Time that he so doeth the Contrary One Hundred Shillings Sterling, to be applied to the Use here under written, that is to say, the one Half thereof to be equally divided between the Chamber of the Guildhall of London, and the Body of the same Fellowship, and the other Half to the Use of the said Apprentice if he or his Friends will thereof complain, and make due Proof of the same. And that also every Master taking such Apprentice shall give and deliver

deliver to the Wardens of the said Fellowship for the Time being to the Use of the Treasure of the said Fellowship, a Spoon of Silver, Price of Three Shillings and four Pence, or Three Shillings and four Pence in Money for the same Spoon.

RELATIVE to which last written Ordinance, Your Committee found another subscribed thereto in Manner following :

And forasmuch as it is not plainly prescribed at the Making of the Order last afore specified within what Time every Person of the said Fellowship should bring and present the Name of his said Apprentice to be written in the Book of the said Fellowship, and also to be examined by them or by some of the said Fellowship, whether the said Apprentice have his Congruity in the Latin Tong or not, to the Intent that Reformation and Redress may be had and taken therein accordingly, It is now therefore Decreed, Condescended and fully Agreed, by the Assents and Consents of Thomas Went and William Pierson, now Wardens of the said Company; and by the Consents and Agreements of William Blackwell, John Lee the Elder, John Welsham, Richard Mansell, Thomas Pierson, Barthelme Brookby, Thomas Atkinson, Thomas Wyton, and John Warden, at a Meeting at the Wax Chandlers Hall in London, the sixteenth Day of March, Anno Domini 1557, That

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every Person or Persons of the said Mistery or Fellowship which from henceforth shall take and have any Apprentice or Apprentices shall within six Weeks next and immediately after he or they shall so take and have any such Apprentice or Apprentices bound unto him or them bring and present the same Apprentice to the Wardens of the said Mistery or Fellowship for the Time being, to the Intent to have his and their Names entered in the Common Book of the said Fellowship, and to be examined in Form aforesaid, according to the Effect and true Meaning of the said first recited Order, upon such Pains and Penalties as in the same first Order is declared. And further, that no Person or Persons of the said Mistery or Fellowship shall at any Time or Times from henceforth willingly suffer any his Apprentice or Apprentices, to certify or witness the Sealing or Delivery of any Deed, Evidence, Bond, Writing or Conveyance whatsoever, unless he or they have been bound Apprentice without Fraud or Covin with his Master by the Space of one whole Year at the least, upon Pain for the first Offence contrary to this Order ten Shillings; and for the second Offence twenty Shillings; and for the third Offence forty Shillings, to be levied to such like Uses as in the said first recited Order is limitted for not presenting of Apprentices, as in the same first Order more plainly appeareth.

AFTER:

AFTER Your Committee had traced out the original Constitution and Ordinances of the Company, and found the same to be in Manner above set forth, they thought proper to inquire how far, and in what Instances the Company have conformed thereto ; and they find, that ever since the Year 1390, in the Reign of King *Richard* the Second till the Time of obtaining the Company's Charter, all the free Scriveners in *London* and the Suburbs thereof took an Oath for the due Exercise of their Art or Mistery in Substance the same as the Form prescribed by the new Ordinances mentioned to be made in the Year 1390, and which is very little different from the Form now in Use prescribed by the By-Laws made in Consequence of the Company's Charter under which they now act.:

AND Your Committee also find, that such Scriveners did all along upon their respective Admissions into the Company likewise enter in the Book called *The Common Paper*, Subscriptions of their own Handwriting, testifying their having made such Oath and undertaken to conform themselves to the Rules and Ordinances of the said Mistery. And if any Scriveners happened to be Publick Notaries, as many of them appear to have been, they prefix'd their Notarial:

Signs,

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Signs, or particular Marks, to such Subscriptions, agreeable to the said Rules and Ordinances.

AND upon examining an antient Book of the Company, wherein are entered the Accounts of the several Wardens, from the Year 1565, which Your Committee find to be the only Book before the Time of the Charter now extant, besides Your *Common Paper*, the rest having been burnt, together with the Company's Hall at the Fire of *London*, it appear'd to Your Committee by a great Number of Entries in the said antient Account-Book, that there were many Persons who were Scriveners by Trade that were free of the City of *London* by some other Companies, but that such Persons, on Account of their Profession and Exercise of the Art of a Scrivener were in respect of such their Art, subject to the Cognizance and Jurisdiction of the Wardens or Rulers of the Scriveners Company, and also to the like Regulations and Payments with the actual Freemen of the same Company. As an Instance of which, besides a Multitude of Entries in the said antient Account-Book, Your Committee think proper to set forth an Entry they have met with in Your *Common Paper*, purporting to be the Form of an Oath of such as were enfranchised in other Misteries, and used the Mystery of Scriveners, which Oath together with the Title thereof,

thereof, is there entered in *Old Law French*, but here rendered into *English* as follows:

THE OATH for those that are enfranchised in other Mysteries, and use the Mystery of Scriveners of the Court Letter.

YOU shall swear that you will be faithful in the Office and Mystery of Escrivenry of Court Letter which you shall use, and that all the Deeds which you shall make to be sealed, shall be well and faithfully done; and especially that you shall not write nor suffer to be written by any of Your's any Manner of Deed or Writing to be sealed bearing Date for long Time before the Making thereof, nor for a long Time after, nor any blank Charter, nor other Deed sealed before the Writing thereof, nor any close Letter dated in any far distant Place or Time, wherein any Falsity may in your Conscience be conceived, nor any Copy of Deed sealed, if not Word for Word by good Examination, nor for Haste nor Covetousness you shall take upon you to make any Deed touching Inheritance, nor any other Deed of great Charge, wherein you are not knowing, without good Advice and Information of Council.— So help you GOD and all the Saints.

WHEN

WHEN this Oath was first instituted Your Committee have not been able to discover, but they imagine it to have been framed some Time in the Fourteenth Century. As they observe it to be nothing different from the Form set forth in the before mentioned new Ordinances, unless it be that one was to be administred in the first Person, and the other in the second. And, that there is omitted in the last mentioned Oath the latter Part of the former, by which such as were Freemen of the Scriveners Company bound themselves, *All the Good Rules and Ordinances of the said Craft well and truly to keep and observe.*

AND Your Committee also find, that besides the Regular Scriveners, Freemen of the same Company, there used to be some few others who practised the Art of a Scrivener that were called *Bretbren at large*; and also some few Foreigners that were called *Strangers*, both which, *viz. Bretbren at large* and *Strangers*, seem to have been licenced or allowed by the Company to practise the Art of Scriveners, though not regularly of the Company: And it seems that the *Bretbren at large* were either such Scriveners as were free of the City of *London* by some other Companies, or else such as were Non-freemen and lived in the Suburbs out of the Freedom of the City; and

and that those Scriveners, who were called *Strangers*, were such as were foreign Notaries Publick, who, in regard they were Aliens born, could not be free of the City, and yet were licenced or allowed, as well by the City as the Scriveners Company, to practise the Art or Busines of a Notary and Scrivener for the Benefit of Trade in transacting Affairs in the Way of their Art, between the Citizens of *London* and Traders abroad in Foreign Countries.

IT also appears as well by a great Number of Entries in the said Antient Account-Book, as by the other Book *Your Common Paper*, that the Company of Scriveners anciently, before their Incorporation by Charter, were first governed by two Persons who were call'd *Wardens*, or *Masters*; And afterwards by a *Master* and two *Wardens*, together with certain others call'd *Assistants*, who had a *Clerk* and a *Beadle*. And that they used to collect and receive not only of such Persons as were free of their own Company, but also of all other Persons that practised the Art of a Scrivener in *London* and the Suburbs thereof, whether they were Foreigners or Freemen of the same, or of any other Company of the City of *London*, an annual customary Payment of 2*s. 8*d.** a-year, call'd *Quarterage*, at 8*d.* a-quarter; and that they also used to assis and impose Sums of Money upon Strangers practising their Art in *London*, as well as their

own Freemen, towards the Raising of Subsidies granted to the Crown and Sums charged upon the Company by the Lord Mayor and Court of Aldermen upon publick Occasions concerning the City ; and that before their Incorporation they used Time out of Mind, to go Visitations in and about the City of *London*, and the Suburbs thereof, twice every Year to search and take Account of all Persons that publickly used their Art for the Purposes aforesaid : And to the Intent that they might be under due Regulation and Government in respect to their exercising the same ; and as often as any Scriveners refused to pay *Quarterage*, and other Duties, and to attend upon Summons, or otherways misbehave themselves, they used to cause such Defaulters to be committed to one of the Compters by the Lord Mayor's Officers, one of which usually attended at the Quarter-Courts of the Company to assist the Beadle of the Company for that Purpose. And sometimes the Master and Wardens used to fine Persons for Defaults as there was Occasion.

THE Company of Scriveners having been in Possession of their antient and accustomed Rights and Priviledges, in the Manner that has been stated, Your Committee find, that in the fourteenth Year of the Reign of King *James the First*, the then Master, Wardens and Assistants obtained, with the Consent and

and Approbation of the Lord Mayor and Court of Aldermen of the City of *London*, the Company's Charter of Incorporation, whereby the Freemen of the Science, Art or Mistry of Scriveners of the City of *London*, were incorporated by the Name, Stile or Title of, *The Master, Wardens and Assistants of the Society, or Company of Scriveners of the City of London, consisting of a Master, and Two Wardens, and Twenty-four Assistants.*

AND upon inspecting the Company's Charter, Your Committee find, after a Preamble reciting: *Whereas the Freemen of the City of London using the Art or Mistry of Scriveners within the same City and Suburbs thereof, commonly called, Writers of the Court Letter of London, in Times past, and for Time out of Mind had been and then were an antient Company and Fraternity of the said City, and the Men using that Art within the said City had increased to a greater Number, and many of them were frequently used and employed in weighty Affairs, and Matters of great Moment and Trust within the said City, that Therefore for the Amendment of the Estate of the People of the Society or Fraternity aforesaid, and for the good Rule and better Government of all Men using the Science, Art or Mistry of Scriveners within the City of London, and the Liberties and Suburbs thereof, as also within the Circumference of three Miles of the said*

City, his said Majesty King James the First did grant full Power and Authority to all his Liege People and Subjects, the Freemen of the Science, Art or Mystery of Scriveners of his City of London and Suburbs thereof, to be one Body Corporate and Politick, by the Name of, The Master, Wardens and Assistants of the Company of Scriveners of the City of London. To whom be granted Power to plead and be impleaded, possess Goods, hold Lands in Mortmain, have a Common Seal, and make Rules and Ordinances for the better Support and Government of the said Company, and all others using their Art.

AND it being material for Your Committee, as they apprehend, to mention in particular, the Eighth, Ninth, Eleventh, Twelfth, and Nineteenth Clauses, the same are to the Effect following, viz.

VIII. *That all Persons using the Art of Scriveners within the City and Suburbs of London, and within three Miles Compass of the said City, who were not Freemen of any other Company, should be Contributors with the Freemen of the Mystery of Scriveners in all Payments.*

IX. *That all Persons whatsoever using the Art of Scriveners within London and three Miles thereof, should pay to the Master, Wardens and Assistants 2s.*

8 d.

8'd. per Annum at 8'd. a-quarter, mentioned to be an ancient Payment and Duty called Quarteridge, by the Freemen of the Society or Fraternity of Writers of the Court Letter of the City of London, to the Master and Wardens of the said Fraternity in Times past due and paid.

XI. That the Master, Wardens and Assistants should have Power to tax all using the Art aforesaid, who are not Freemen of any other Mystery, for the Supportation and Maintenance of their Society.

XII. And also Power to assess Fines upon all Persons using the Art aforesaid (without Exception) for Non Appearance upon Summons, or for not fulfilling the Orders, and them to levy by Distress.

XIX. And also Power to search and oversee within the City of London, and the Distance of three Miles every way round the same, as well Freemen as Foreigners using the Art aforesaid, and Offenders to punish by assessing Fines and Amerciaments, and them to levy by Distress.

THESE are the Heads of some of the principal Clauses of the Charter, but as the Nineteenth Clause, not only describes the several Places within which it was intended by the Charter, the Master, Wardens.

and.

and Assistants should take Cognizance of and exercise a Jurisdiction over all Persons using and frequenting the Science, Art or Mistery of a Scrivener, but also expressly defines what that Art or Mistery is, Your Committee think it may be of Use to set forth this last mentioned Clause in the Words thereof, which being translated into English, is as follows, *viz.*

AND Moreover of our more abundant Grace, and of our certain Knowledge and mere Motion we will, and by these Presents grant for Us, our Heirs and Successors to the said Master, Wardens and Assistants of the Society of Scriveners of the City of London and their Successors full and whole Power and Authority, that they the said Master, Wardens and Assistants of the said Society, and their Successors, or six of them at the least, of whom the Master or Wardens of the said Society, for the Time being, or any of them always to be one, We will for ever may have, and shall have, enjoy and exercise within our said City of London, the Liberties and Suburbs thereof, and within our City of Westminster and the Liberties thereof, the Borough of Southwark, the Precinct of Saint Catharine by the Tower of London, and in all other Places within three Miles every where round about the said City of London, the full and whole Survey, Search, Examination, Correction, Punishment and Government, as well of all and singular Freemen of the said City of London, as of
all

All and singular other Men Forreigners within the said Cities of London and Westminster, and the Liberties and Suburbs of the same, the Borough of Southwark, and Precinct of Saint Catharine, as well within Liberties as without, in any Manner using and frequenting the said Science, Art or Mistery of Scriveners, or publickly or openly making and writing any Evidences, Charters, Deeds, or Writings, to be sealed within the said Cities, Liberties and Suburbs of the same, and Suburbs of the same, and the Places aforesaid, or any of them, or elsewhere in any other Place, not distant from the said City of London above three Miles; and that the Master and Wardens of the Society aforesaid, and the rest of the Assistants of the same Society for the Time being, or the major Part of them, from Time to Time for ever may and shall have the full Power and Authority of punishing and correcting all as well Free-men of the said City of London as Strangers and Forreigners as aforesaid, frequenting and using the Science, Art or Mistery of Scriveners, as well within the said City of London and Suburbs thereof, and the Places aforesaid, as within the aforesaid limitted Distance of three Miles every where round about the said City of London for their Offences, in insufficently executing, doing and using the Science, Art or Mistery aforesaid, and the Defects in the same Science, Art or Mistery (if any shall be found) to correct and amend according to their sound Discretions; and reasonable Fines and Amerciaments.

merciaments upon whatsoever Offences, according to the Exigency of their Offences to tax, and to the proper Uses of themselves and their Successors by Distresses to levy, collect and take.

UPON Your Committee's taking into Consideration these several Clauses of the Charter, they observed it had in View, and consequently was intended, to make Provision for all Sorts of Persons, who did at that Time, or might afterwards exercise the Art or Mistery of Scriveners within its Limits, which Your Committee conceive to be reducible under these three General Heads, *viz.*

I. SUCH as practised as Scriveners, and were free of the Company of Scriveners.

II. SUCH as practised as Scriveners, and were Freemen of some other Company of the City of *London*.

III. SUCH as practised as Scriveners, and were Non Freemen, either Aliens born, or Persons dwelling out of the Freedom of the City of *London*, within the Limits of the Charter.

HAVING also inspected the Company's *Ordinances or By-Laws* since their Incorporation by Charter,

of the Company of Scriveners.

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ter, and which appear to have been made in the sixteenth Year of King *James* the First, and to have been duly examined and approved by the then Lord Chancellor, and the two Chief Justices, according to the Act of the Nineteenth of King *Henry the Seventh*, Your Committee find, that the antient Ordinances, as well as the several Clauses of the Charter, are in Effect revived and confirmed by those By-Laws; And particularly, that It is Ordained as follows: *viz.*

XI. *That there should be four Meetings called Quarter-Days, to which were to be summoned the whole Number of the Freemen of the said Society, and all other Persons using the said Art as well Englishmen as Strangers within London, and the Compass of Three Miles thereof; And that whosoever should not appear having no reasonable Excuse, or after Appearance should depart without Licence should forfeit three Shillings and four Pence.*

XII. *That there should be Meetings monthly or oftner for bearing and determining Controversies of any of the Society, or any others using the said Science, Denizen or not Denizen, free or foreign, English or Stranger: As also for the Correction and Reformation of stubborn Apprentices, or other Persons acting contrary to the By-Laws.*

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XIII. *That*

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XIII. *That all Persons using the Art of a Scrivener not being free of any other Company should be contributory in all Payments with the Scriveners, to the King, and otherwise, and every Person refusing so to do to pay forty Skillings.*

XIV. *That all Persons of the said Society, and all others dwelling within the City of London, the Liberties and Suburbs of the same, or within three Miles of the said City, using the Art of a Scrivener should pay 8 d. every Quarter for Quarterage, to the Master, Wardens and Assistants, to be levied by Distress, upon Refusal to pay.*

XVIII. *That the Master, Wardens and Assistants of the Company, or any six of them at the least whereof the Master, and Wardens, or any of them to be one, should have Power to search and survey all Persons whatsoever using the Art of a Scrivener in London, and three Miles Compass, and punish them by Fines, and to levy the Fines by Distress.*

XIX. *That no Person thereafter should be enfranchised, or admitted into the Freedom or Liberties of the said Society, to make open Profession of the aforesaid Scyence or Art, until such Time as he should first have been duly examined touching his Sufficiency and Ability to*

to use and exercise the same Art or Mystery before the Master, Wardens and Assistants of the said Society, or any six of them, and should be by the said Master, Wardens and Assistants, or such six of them as aforesaid, upon such Examination declared and approved to be of Sufficiency and Hability, and should have taken an Oath as is thereafter appointed.

XX. *That no Person thereafter should publickly use or exercise the Art, Mystery or Scyence aforesaid, and make it his Profession, or Means of living, within the City of London, the Suburbs and Liberties thereof, or within three Myles of the said City, unless he should be first admitted into the Freedom of the said Society, and enfranchised into the Liberties of the said City, (as the Case might happen to be of such Persons living within the Limits of the Charter, either within or out of the Freedom of the City of London) and should have taken such an Oath before the Master and Wardens of the said Society, or any two of them, as the Freemen of the same Company should usually take at the Time of their Admissions, according to the antient Usage, and according to the Form therein in that Behalf prescribed.*

XXI. *That every Person which should thereafter be duly enfranchised into the said Society, should upon his Admission take an Oath before the Master and Wardens*

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of the said Society, or any two of them, according to the Form therein, in that Behalf prescribed. And that every one, which should take the said Oath, should witness the same to be by him taken, by Writing under his proper Hand to be by him entred into the Common Book of the said Society.

XXII. That none keeping Shop, and using the Art should keep in his Service, or Employ, in the same Art, any Person, but such as should be free of the Company, upon Pain to pay forty Shillings a Month.

XXIII. That none take a Apprentice for less Time than seven Years, nor agree to release any Part of his Time, upon Pain to forfeit five Pound for every of the said Offences.

XXIV. That every Apprentice should be inrolled in the Chamber of London, and presented to the Wardens of the Company, within six Months upon Pain to pay six Shillings and eight Pence, for every Offence.

XXVIII. If any Person whatsoever using the Art of a Scrivener should have Summons left at his House for his Appearance at any Court or Meeting appointed, and should not appear, every such Person so offending should pay three Shillings and four Pence for every such Offence;

And

And every Person obstinately refusing, or disdaining to pay should pay ten Shillings for every such Offence.

To these By-Laws is subjoin'd the Oath thereby required to be taken by every Person upon his Admission into the Freedom of this Company, which Your Committee think proper to set forth in the Words thereof, as follows, *viz.*

I N. D. do swear upon the Holy Evangelist, to be true and faithful unto our Sovereign Lord the King, his Heirs and Successors, Kings and Queens of England, and to be true and just in mine Office and Scyence, and to do my Diligence that all the Deeds, which I shall make to be sealed, shall be well and truly done after my Learning, Skill and Scyence, and shall be duly and advisedly read over any examined before the Ensealing of the same. And especially I shall not write, nor suffer to be written by any of mine to my Power or Knowledge, and Deed or Writing to be sealed, wherein any Deceit or Falsehood shall be conceived, or in my Conscience suspected to lye, nor any Deed bearing Date of long Time past before the ensealing thereof, nor bearing any Date of any Time to come, neither shall I testify, nor suffer any of mine to testify, to my Power, or Knowledge, any blank Charter or Deed sealed before the full Writing thereof; And neither for Haste nor

for

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for Covetousness I shall take upon me to make any Deed touching Inheritance of Lands, or Estate for Life, or Years, nor any Deed of great Charge, whereof I have not Cuning, without good Advice and Information of Council; And all the good Rules and Ordinances of the Society of Scriveners of the City of London, I shall well and truly keep and observe to my Power, so far as God shall give me Grace. So help me GOD, and the holy Contents of this Book.

As this Oath, in regard to the Nature and Form of it, had the Sanction of being considered and approved by the Heads of the Law at the Time the Company's By-Laws were confirmed, and, it may well be imagined those learned Judges considered it with more than ordinary Attention, since the Subject-Matter of it concerned an Art, Mistery or Occupation, in the due Exercise of which, they themselves had been often consulted, as Council, and over which, they at that Time, in Point of Judgment, presided; so Your Committee are of Opinion, that no Form of Words could be better adapted to provide against every Species of Misbehaviour which Persons exercising the Art of Scriveners, could possibly be guilty of, to the Prejudice of the Publick, either from their Dishonesty, or Want of Skill.

YOUR

YOUR Committee also found by inspecting the several Books of the Company since their Incorporation by Charter, that the Master, Wardens and Assistants to the Number of Six had from that Time, for a great Number of Years, been used, agreeable to the Company's By-Laws to go their Visitations constantly and regularly twice every Year, to take an Account of Persons using the Art of a Scrivener within the City of *London*, and the Circuit of three Miles round the same; And they used to collect Quarterage-Money, and other Duties from Strangers and Persons free of other Companies, as well as their own Freemen, according to antient Custom and Prescription used Time out of Mind, before their Charter and By-Laws were obtained.

AND Your Committee likewise found, that the Master and Wardens, &c. since the Company's Incorporation by Charter generally applied themselves, either to the Lord Mayor, or to the Lord Mayor and Court of Aldermen for Redress against such Scriveners as were refractory, in order to oblige them to pay their Quarterage, and other Duties to this Company, and this appeared to Your Committee from several Entries in the Company's Books, some of which Your Committee think material here to set forth at length, *viz.*

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16th Octob. 1632. A Petition was preferred, in the Name of the Master, Wardens and Assistants of this Company, to the Right Honourable the Lord Mayor and Court of Aldermen, to be relieved against Strangers using the Profession of Scriveners in London, and yet refuse to bear any Charge with their Company. Upon which the Court of Aldermen this Day made the Order following, viz.

THIS Day upon hearing the Matters petitioned unto this Court, by the Master, Wardens and Assistants of the Company of Scriveners of London against the Strangers using the Petitioners Profession, for refusing to bear Part of the Burthen of their Taxations, It is thought fit, and so ordered by this Court, with the Consent of the said Master and Wardens, and of John Emans, and Joshua Maynet, Publick Notaries here present, That Mr. Alderman Freeman and Mr. Alderman Moulson shall bear and consider of the Demands of the said Master and Wardens, and of the Propoitions of the said Emans and Maynet, and thereupon to make a friendly Reconciliation of the Parties, and of all Difference between them, and to certify unto this Court in Writing under their Hands how they find the same, together with their Doing and Opinions, and John Tyther to warn and attend them.

Per Robertum Michel, Dep. Com. Cleric.
Civitatis Londinensis.

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The said Order being presented to the said Aldermen, they appointed a Day, and bearing both Parties made this Certificate following, viz.

ACCORDING to an Order of the Sixteenth of this Instant October, made at a Court of Aldermen, We this Day called the Master and Wardens of the Company of Scriveners of London; and John Emans and Joshua Maynet, Publick Notaries before Us, and beare and confidered of the Demands of the said Master and Wardens, and of the Answers and Propositions of the said Emans and Maynet, and for that the said Master and Wardens did make it appear unto us, That by their Ordinances confirmed by Act of Parliament, all Strangers and others not free of their Company, using their Art within the City of London, and three Miles Compass of the same, ought to pay Quarterage, and other Duties unto the said Company; And that not only divers Strangers, and others Publick Notaries (not free of their Company) had heretofore paid and contributed towards the Taxations imposed upon the said Company, but also the said Emans and Maynet themselves had divers times paid the like; Whereupon, and upon the Offer of the said John Emans and Joshua Maynet freely to remit to the said Company all Sums of Money whatsoever by them formerly paid to the said Company towards the Irish Plantation, Provision of Corn, or otherwise, and

G never.

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never to claim any Benefit thereby, or Restitution of any Part thereof, we thought meet to abate Part of the Arrearages demanded by the said Master and Wardens of the said Emans and Maynet, and to order the said John Emans for his Part to pay forthwith unto the said Master and Wardens, the Sum of One Pound seven Shillings and four Pence; And the said Joshua Maynet likewise for his Part to pay unto them the Sum of One Pound nine Shillings and four Pence, in full Satisfaction of all Arrearages for the Time past until this Day due and owing by them to the said Company: And that hereafter the said Emans and Maynet shall pay unto the said Company Quarterage, and be contributory towards the Charges and Taxations which shall be imposed upon the said Company in reasonable Manner, as the said Company shall rate and assess themselves: And we hold it fit, that other Persons of the same Quality do the like. All which we thought good to certify under our Hands this 26th Day of October 1632.

Raphe Freeman,
Thomas Moulson.

Jovis 17. Januarii Anno Regni Caroli Octavo.
Which Report being then read openly at a Court of Aldermen was allowed of, and Ordered to be Entred into the Repertory, and to be accordingly performed.

Per Robertum Michel Dep. Cler. Civit. Lond.

According

According to the said Report and Order thereupon, the said Emans and Maynet paid their Moneys to Mr. Warden Smith, and since Thomas Dewatchler, alias Walters, by Order of the Lord Mayor, paid ten Shillings for all Arrearages, and is hereafter to be contributory to this Company for Quarterage and other Taxations.

7th Octob. 1634. Whereas Edward Singleton and Anthony Porter of Lymehouse, William Paramore of Ratcliffe, Robert Watson of Wapping, Edward Collins of Covent Garden, John Morgan of Shadwell, and Roger Miller in West-Smithfield, all using the Art of Scriveners, and not free of this Society, appeared at this Court, and promised to appear Quarterly, and some of them desirous to be of this Company admitted; and thereupon all but the said Collins paid Eight Pence a-piece for this Quarter, and promised to continue the same hereafter, and at the next Quarter to come and subscribe their Names and Signatures in a Book to be provided for that Purpose, as they do to all Deeds and Evidences for the better Testimony thereof.—Collins also promised to deliver his 8 d. to the Beadle.

4 July 1654. It was Ordered, That the Notaries Strangers should be spoken to for their Quarterage, which if they refuse to pay, they are to be convened before the Lord Mayor about the same.

17 January 1655. Also, It was Ordered, That the Visitation-Days should be observed, the third Week in Lent; And the Master and Wardens are desired to call such of the Assistants as they please to accompany them in their Perambulation, and to meet at Mercers-Chappel by eight of the Clock in the Morning for the Eastern Perambulation, on Tuesday the 11th of March next; and for the Western Perambulation, on Thursday the 13th of March next. And for the better reducing the Dutch Notaries, and others using the Art to Conformity to the Company's Charter and Ordinances, Mr. Bromley or some other of the Lord Mayor's Officers is also to be spoken unto to attend them.

According to Order of the last Court the two Visitation-Days were observed, and on Tuesday the 11th of March 1655. being the Day of Perambulation for the Eastern Circuit, there were warned before the Right Honourable John Dethick, Lord Mayor of the City of London, against Monday the 17th of this Instant March, for refusing to pay Quarterage, Mr. Marius, Mr. Daniel, Notaries, on the Backside of the Exchange, Mr. John Rolfe, free of the Company of Goldsmiths, Mr. John Bland, free of this Company; Henry Lewis, free of the Merchant-Taylors; John Butler, Jun. free of the Fletchers, near Aldgate; William Williamson, free of the Fletchers, in Peter's Alley, Cornhill.

17th

17th March 1655. This Day the six Persons first mentioned appeared before his Lordship, but Mr. Williamson appeared not.

The said Mr. Bland condiscended to pay Quarterage, but Mr. Rolfe, Mr. Lewis, and Mr. Butler for refusing to do it, were then bound over to appear at the next Court of Aldermen, there to answer the Matters complained of by the Company. At which Time Mr. Marius and Mr. Daniel being Notaries were respited till the next Court to be holden at Scriveners-Hall.

18th March 1655. The said Mr. Rolfe, Mr. Lewis and Mr. Butler coming this Day to make their Appearance before the Right Honourable the Lord Mayor and Court of Aldermen, did before Mr. Francis Masse, Mr. Bromley the Lord Mayor's Officer and Others, consent to pay Quarterage to the Company of Scriveners for the future, and so desired to be spared from further Trouble. And thereupon, upon their Promise of Conformity, were dismissed from further Attendance.—Mr. Maynet, Notary, and divers Scriveners free of other Companies, viz. Mr. Colston, Mr. Parry, Mr. Poultney, Mr. Tattershall, Mr. Broom, Mr. King, Mr. Mills, Mr. Spalding and Mr. Retorick paid Quaterage to our Company, and conformed themselves to this Society.

AND

AND Your Committee observed, in the Course of their Examination, in the Company's Books, That the Master, Wardens and Assistants continued their customary Visitations, and to collect Quarterage-Money, &c. of all Persons, as well Foreigners as Free-men who practised the Art of Scriveners within the City of *London*, and three Miles Compas thereof, till about the Year 1705, when, as appeared to Your Committee, the Company first discontinued their Visitations, and no longer collected Quarterage-Money of any Persons whatsoever; which Discontinuance, as Your Committee apprehend, was in great Measure occasioned by the Clerk of the Company's being at that Time superannuated, and by the Misfortune which befel the Company soon afterwards, not only, of losing several of the Old Books of the Acts and Proceedings of the Company, which had been saved at the Fire of *London*, (when some of them were destroyed, as has been mentioned before) but also, losing several of their other Books of Entries since that Time, which the Company within these few Years last past, have had the good Fortune to recover.

AND here Your Committee think proper to take Notice, that it manifestly appears by a great Number of Instances, of which there are many Entries in your *recovered Books* that Notaries and Attornies were considered

considered as Scriveners, in as much as they practised as such, and accordingly paid Quarterage-Money to this Company, and were deemed subject to Visitation and Summons; but Your Committee find no Entries, in any of your Books, of Persons paying Quarterage, to the Company, by the Description of Attornies, before the Year 1665. about which Time Attornies actually paid Quarterage, and then first began, as Your Committee apprehend, to concern themselves in the Practice of the Art or Mistery of Scriveners, and as such were then called upon to make the Customary Payments of Quarterage, &c. to this Company; for till then Your Committee have Reason to believe the Regularly-bred Scriveners (that is to say) such as had been bound to Free Scriveners, and had served Seven Years Apprentice to the Art, according to the Custom of *London*, were the only Persons that were employed, and whose proper Business, it was to make and engrave *Deeds* of any kind to be sealed, such as Bonds, Bills of Sale, Charter-Parties, Releases, Indentures, and all Sorts of written Conveyances affecting Estates Real and Personal: But of late Years Attornies in the Courts of Law and Sollicitors in the Courts of Equity, tho' their respective Professions and Business are in Strictness very different from that of Scriveners have become Innovators upon the latter, and have taken upon them to exercise the proper Art or Mistery of Scriveners as well within the City of *London*, as elsewhere, within the Limits

mits and Jurisdiction of the Company's Charter and By-Laws, without the Inspection and Regulation of the Master, Wardens and Assistants of this Company; And there is also a great Number of other Persons, within the Cities of *London* and *Westminster*, and the Circumference of three Miles from the City of *London*, who take upon them to use the Art of Scriveners, without having, either served an Apprenticeship thereto, or been admitted into this Company and taken the Scriveners Oath, or any otherwise qualified to use such Art within the Cities of *London* and *Westminster*, &c. agreeable to the Custom of *London*, and the Company's Charter and By-Laws.

WITH regard to Attorneys, it may be observed, that although within a few Years before the Act of 2 Geo. II. cap. 23. for the better Regulation of Attorneys and Sollicitors, which passed in the Year 1729, there was a great Number of Persons that practised as Attorneys who were in fact no Attorneys upon Record, in either of the Courts at *Westminster*, there being but very few really such at that Time, and those were properly called *Entring Clerks*, which all together made not one in a hundred in comparison with the Number of Attorneys at present; yet so small was their Number who practised as Attorneys in this City about forty or fifty Years ago, that, as Your Committee have been credibly informed, they did not amount to above five or

or fix in the whole City of *London*, besides such as were Attornies of the City Courts. Therefore, as all who are now Attornies have been admitted under the abovementioned Act, their Qualification for the Practice of such their Profession must depend merely upon That, which only authorized them to practise in the Manner that Entring Clerks, or such as had been regularly admitted Attornies upon Record, had done, before that Act was made, their Business being, strictly speaking, nothing more than prosecuting and defending Suits for their Clients, in the respective Courts to which they belonged; Upon which Account it is, that Attornies, in Construction of Law, are considered as always present in those Courts, in the Nature of Proxies for the Suitors there, and are therefore privileged with an Exemption from *all Offices* civil as well as military, where any personal Service is required, so long as they confine themselves to their proper Profession; whereas the Free Scriveners, and others exercising the Art or Mystery of a Scrivener only, have always been considered, in *those Respects*, upon the Foot of Tradesmen, Artists, or Persons of manual Occupations, and are equally liable to serve all such Offices, with any other Citizen or Subject of the Commonwealth.

BESIDES, that the Branch of Business, which the Attornies have of late Years taken from the Scriveners

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ners by Innovation and Incroachment, is properly the Business of a Scrivener, and not of an Attorney, Your Committee presume sufficiently appears, not only from the Tenor of the beforementioned Act, but also from the different Course of Proceeding, which Attorneys take in recovering such Bills as are due to them for the Prosecution of Suits in Law, and such other Bills for making Deeds and other the proper Business of a Scrivener, for as to the first mentioned Bills they are liable to be taxed, and must be delivered one Month before an Action can be brought for their Recovery ; whereas the latter are a Sort of Bills which are not liable to be taxed, and Actions may be brought for the Recovery of Debts due for transacting the proper Business of a Scrivener, without delivering any Bills, or being obliged to stay any Time afterwards, (in Case the same should be delivered) before a Suit be commenced.—And by the Statute of 2 Geo. II. cap. 23, no Provisions are made, nor is any Notice taken of Attorneys in any other Capacity or Respect but merely as they are employed in carrying on and defending Suits in the Courts of Law at Westminster, the Oath directed to be taken by every Attorney upon his Admission being no more than this:

I A. B. do swear that I will duly and honestly demean myself, in the Practice of an Attorney, according to the best of my Knowledge and Ability.

It is well known, that many Attornies, for want of Experience, are to seek in several Instances relating to the proper Business of Scriveners, though almost all Attornies take upon them to practice the same: And indeed it is scarce possible, that the Service of a Clerkship for five Years only should furnish Attornies with a competent Knowledge of all the three several Branches of Business proper to Attornies, Sollicitors, and Scriveners, it seldom or never happening that Attornies have an equal Share of Business, in every one of those Branches, to qualify their Clerks for the Practice of all: Hence it is, that Persons after they have served out their Clerkships with Attornies are for some Time obliged to employ Agents, to transact for them the proper Business of a Scrivener, till by After-Experience they have acquired that Knowledge, which the short Time of their Clerkship is by no Means sufficient for; this must necessarily tend greatly to the Prejudice of the regular Scriveners who confine themselves merely to the Practice of *Conveyancing*, and other Particulars, of the Scriveners Business, or Trade, and who serve a seven Years Apprenticeship solely to that alone: Upon which Account, Your Committee are of Opinion, it would be a very great and manifest Hardship and Injustice to the Free Scriveners, that Attornies or any others, who have been but transiently, and, as it were, accidentally conversant in some Parts

of the Business of a Scrivener, should take upon them to act as Scriveners, without that regular Education, and sufficient Knowledge and Experience, as well as those expensive Qualifications, which the Free Scriveners of *London* have acquired, and are subject and must submit to, in common with the Freemen of any any other Art, Mistery, or Occupation.

YOUR Committee likewise observe, that the Act which passed in the Year 1729, for Regulating Attorneys, has confined that Profession to particular Persons in Exclusion of all others. And that though before the making that Act, Scriveners or any Persons whatsoever might and did practise as Attorneys, without being admitted; yet no Scrivener can now practise as an Attorney for Want of the proper Qualification required by that Act, in serving a Five Years Clerkship to some Attorney entred upon Record: The Grievance therefore here taken Notice of would be so much the greater, if the Free Scriveners had no Means of restraining the Attorneys from practising as Scriveners, or at least of obliging them to conform to the like Qualifications for the Exercise of that Art, to which the Free Scriveners are liable.

YOUR Committee for the Reasons beforementioned apprehend there is a material and essential Difference between the two kinds of Business or Professions of Attorney

Attorney and Scrivener, and that neither Attorneys nor Sollicitors meerly as such ought to use the Art of Scriveners, within the Limits of the City of *London*, and Extent of the Company's Charter, nor ought any Persons whatsoever, unless they conform to the Custom of *London*, and the Rules and Orders prescribed by your Charter and By-Laws, agreeable to the Antient Custom and Usage of the Company, in that Behalf; which from the whole Tenor of the several Entries in Your Books were apparently calculated for the Publick Utility: And Your Committee apprehend, that in as much at it was conceived in former Times to be highly fitting for the Publick Good, that Persons so largely concerned as Scriveners in transferring Mens legal Properties from one to another, should be under proper Regulations for the due Exercise of their Art; Therefore the Oath of a Scrivener, was framed and instituted for that Purpose, and was required to be taken by every one that in any manner practised the Art or Mistery of a Scrivener in those Times: And by the same antient Policy of this Company it was likewise provided, that all Persons using the Art of Scriveners, by making any Deeds, &c. to be sealed, should set their Names to such Deeds to denote the same to be made by Persons who had taken the Scriveners Oath, and were otherwise duly qualified to use such Art or Mistery, as the Means of preventing and detecting Forgeries and other Frauds and Abuses which might attend

attend the making and Execution of Deeds; And also to the Intent, that the Persons interested therein might be the better enabled to prove the same, in regard Scriveners, and others acting as such usually were subscribing Witnesses to the Execution of the Deeds they made; And for the Purpose of proving any Deeds, as often as there should be Occasion, the Places of Abode of such Scriveners (by Means of their having taken the Oath, and made the Subscription, and paid the accustomed Quarterage) might easily be known by applying to the Clerk or Beadle of the Company who were used to collect the Quarterage of all Persons, practising as Scriveners within *London*, and three Miles round the same; And if any Free Scrivener happen'd to be dead his Hand-Writing was likewise capable of being proved with the same Ease, at whatever Distance of Time, by having Recourse to the Company's Subscription Book, where all Scriveners entred of their own Hand Writing, an Acknowledgment of their having taken such Oath as aforesaid.

THE Company of Seriveners having been from Time immemorial a free Company of the City of *London*, Your Committee apprehend that the antient Custom, for Strangers and Persons free of other Companies using the Art of Scriveners, to pay Quarterage-Money and other Duties to the Scriveners Company, was originally instituted, to the Intent, that all Persons

sons in general who used the Art might be subject to the Regulation of this Company in all Matters respecting the Use and Exercise of that particular Art, or Science, in regard the same is widely different and of quite another Nature from any other Art, Miftery or Science exercised within the City of *London*; And therefore Scriveners neither were nor could be under any other Laws or Regulations whatsoever concerning their Art, than the Regulations and Provisions from Time to Time made and in Use among the Company of Scriveners, In Consideration of which it was but reasonable, that such other Persons should pay Quarterage, &c. as was the Custom with the Freemen of the Company, in the Nature of a Duty or Acknowledgment of their being subject thereto, in respect of their Art, and as some Satisfaction for the Charge of Summoning them to Courts: And also to the Intent that all Persons using or exercising the Art or Profession of a Scrivener within *London* and the Suburbs thereof, as well Strangers as such as were free of other Companies might meet together as Occasion required to confer with the Master, Wardens and Assistants, and other Freemen of the Scriveners Company, touching the Regulation of an Art which they all exercised in common:

By the known Custom of *London*, No Person whatever, not being free of the City of *London*, shall by

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any Colour, Way or Mean whatsoever, directly or indirectly, by himself or any other, keep any Shop or any Place whatsoever Inward or Outward for putting to Sale of any Wares or Merchandizes whatsoever, by Way of Retail, or use any Trade, Occupation, Miftery or Handicraft, for Hire, Gain, or Sale, within the said City of London. And by an Act of Common Council, or By-Law of the said City, founded upon the Customs of London, Every Person not free of the City, that shall use any Trade, Occupation, Miftery, &c. within the same, is liable to an Action of Debt at the Suit of the Chamberlain of London for the Penality of five Pounds, in the Manner stated in the famous Case of the City of London, Hill. 7. Jac. reported by Lord Coke, who (as Your Committee find upon inspecting the same) expressly says, " That it is no Question, but that in Truth the Busines of a Scrivener is an Art, Miftery or Manual Occupation."

UPON considering of which Custom, Your Committee thought it material to take Notice, that Scriveners and all Persons using that Profession, Art, Trade or Miftery are liable to Acts of Bankruptcy, by means of which several Attornies, in regard they have practised as a Scrivener, have had Commissions of Bankrupt awarded against them, and have been adjudged Bankrupt. Which your Committee presume to think is no inconsiderable Argument to shew, that

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the Business of a Scrivener is an Art, Mistery, Occupation or Trade and such a one as by the Custom of *London*, none can or ought to carry on or exercise within the City without being free, upon the Foot and Determination of the abovemetioned Case of the City of *London*.

BESIDES, Scriveners in *London*, originally became a free Company in Right, and by Reason of the particular Craft, or Mistery they exercised, different from others; And this, in the Opinion of Your Committee, might serve further to demonstrate, that the proper Business of a Scrivener, in the nature of it, is and always was esteemed an Art, Trade or Mistery within the Custom of *London*; the Use and Exercise of which within its Limits would naturally oblige every to become free.

YOUR Committee also proceeded to consider the Statue of 5 *Eliz. cap. 4. §. 31.* wherein it is enacted as follows, viz. *That after the first Day of May (then) next coming, it shall not be lawful to any Person or Persons, other than such as now do lawfully use or exercise any Art, Mistery or Manual Occupation, to set up, occupy, use or exercise any Craft, Mistery or Occupation, now used or occupied, within the Realm of England, or Wales, except he shall have been brought up therein Seven Years at the least, as an Apprentice, in Manner and Form abovesaid, nor to set any Person on Work in such Mistery, Art or Occupation being not a Workman at this*

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Day, except he shall have been Apprentice as is aforesaid; or else having served as an Apprentice shall or will become a Journeyman or hired by the Year, upon Pain that every Person willingly offending or doing the contrary shall forfeit, and loose for every Default forty Shillings for every Month.

UPON this, Your Committee thought it likewise material to observe, that Scrivenership was a Craft, Miftery, or Occupation, in use, at and for several Centuries before the Time of making that Act, and therefore Your Committee presume, that the Company of Scriveners might put the same in Force in favour of such of their own Freemen as had served a regular Apprenticeship, against Persons that had neither served an Apprenticeship, nor where otherwise qualified to practise as Scriveners by being free of the City of London, and of this Company.

AND this lead Your Committee to consider, that such Scriveners as have been regularly qualified for the proper Business of their Profession, by having served an Apprenticeship, and taken the Oath, and made the Subscription required, by your By-Laws and antient Prescriptions, have, for several Years last past, decreased in their Number, as the Business itself proper to Scriveners has increased, and that such Decrease has been occasioned by the continual Encroachments of Attorneys.

Attornies and others, who, nevertheless, have at the same Time been under none of those Obligations necessary to qualify them for the due Exercise of the Science, Art, or Miftery of Scriveners, above-mentioned.

How much more numerous, the Practisers in the Art of Scriveners, are become of late, in comparison of what they were formerly, especially if all Persons whether Notaries, Attornies or others are to be considered as Scriveners that use the Art or Miftery of a Scrivener, as Your Committee apprehend they ought; and how much more Business of that Kind, is transacted now a days, from the great Increase of Trade and much greater Circulation of Property than heretofore is obvious and well known to every one; Your Committee, therefore, are inclined to think, there are many Reasons respecting the Good of the Publick in general, as well as the Interest of this Company, in particular, why so large and considerable a Number of Men as Persons, using the Art of a Scrivener should be subject to the like Regulations and Qualifications with the free Scriveners of *London*, belonging to this Company, for that, the proper Business of a Scrivener is generally of a secret Nature, whereby, the Dishonesty and Incapacity of Scriveners many remain, till past remedy concealed in the Deeds they make, so as not to be readily known or discovered by the Parties to or

interested in the Effect and Operation of such Deeds ; for which Reasons and in regard Persons acting as Scriveners are often solely intrusted in the Drawing and Settling of Deeds of great Consequence, particularly, in cases of Purchases of Real Estates, Mortgages, Wills and Family Settlements upon Marriage, and otherwise, wherein, they are capable of great Frauds and Misbehaviour in favour of some or one of the Parties in prejudice of others, they ought more than Persons of any other Art, Business or Profession whatsoever to be under the obligation of an Oath the highest, if not the only Restraint that Human Policy is capable of laying Men under in Transactions of so private a nature ; and especially as the Law has obliged Attornies to take the beforementioned Oath for the due Discharge of such their Profession, altho' they are less capable of Frauds in the management of Causes, which are of an open and publick Nature, and, any Misbehaviour in them relating thereto, must soon come to the knowledge of their Clients by the immediate consequence thereof, and are punishable for the same in a summary Way by application to the Courts where such Causes are depending.

AND if the Scriveners Oath, in the Manner prescribed by Your By-Laws was once effectually established, and required to be taken by all Persons exercising the Art within the Limits of your Charter, except Serjeants and Barristers at Law, who as Coun-

it are necessarily exempted by the Tenor and implied Sense of the Oath itself, Your Committee conceive, it might not only serve as a Rule to such Persons for their Conduct in the due Exercise of the Science or Art of a Scrivener, but might likewise prove a more influencing Caution and Restraint against their Misbehaviour, in the Violation of it, than any other Means that could be thought of, and if it were to be universally known, that every Person practising as a Scrivener was under the Restrictions contained in the Scriveners Oath, Your Committee apprehend, there would not be near so many fraudulent Deeds and Conveyances to give Occasion for Parties injured to apply to the Courts of Equity for Relief; for it being probable, that Persons acting as Scriveners are generally privy to the Considerations, and other leading Circumstances preparatory to, or accompanying the Execution of Deeds between the principal Parties by whom they are employed, therefore, in Cases of Collusion and Deceipt, to the Prejudice of any of the Parties, as often as the same should happen to be discovered, it would render the Persons so acting in the capacity of Scriveners abundantly more obnoxious to Censure and Reproach, if not, Punishment, in as much as they would be publickly known to have acted in direct Violation of an Oath, by which they had previously obliged themselves, in the most solemn manner, *not to write, nor suffer to be written, by any,*

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of theirs, to their Power and Knowledge, any Deed or Writing to be sealed, wherein any Deceipt or Falshood should be conceived, or in their Conscience suspected to lye. And what more likely Means could be invented to deter Persons, which exercise the Art of a Scrivener from being Accomplices, or Privies, in the Contrivance of fraudulent Deeds, than this of the Scriveners Oath ? which, if duly attended to, and observed, by all that practise the Art, would, tho' possibly not in all, yet in most Instances, prevent the ill Designs of the principal Parties to Deeds, from imposing on the Confidence of others, in Affairs where Persons professing the Art or Mistery of a Scrivener are usually employed.

YOUR Committee further considered, that it would be of very great Use and Service to all the Inhabitants of these two great and populous Cities of *London* and *Westminster*, and the Suburbs thereof, to be able upon all Occasions of Trial or Controversy in any Courts of Judicature, to prove such of their Deeds, Evidences and Writings as are usually sealed, which is often-times attended with very great Difficulty, and People frequently sustain great Loss and Damage, as well as Expence, in matters of Title, for Want of knowing the Places of Abode of Persons using the Art of Scriveners, who are, usually, subscribing Witnesses to the

Deeds

of the Company of Scriveners.

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Deeds they make, or of being able to prove their
Hands Writing, if dead.

Both which Inconveniencies might effectually
be provided against, in Case all Persons, that use the
Art or Mistery of a Scrivener, within the Limits of
the Company's Charter were obliged to take the Scri-
veners Oath, and make the usual Subscription in the
Company's Books, in like Manner as the Free Scrive-
ners of *London* have always done, and still do, up-
on such their Admission into this Company; since,
to those Books all People whatsoever might readily
resort for such Information and Evidence: And it is
well known, that they have actually been made use of
in many Instances for the Proof of Deeds, by a Si-
militude of Hands, where, a Free Scrivener of this
Company, a subscribing Witness has been dead, and,
from the Nature of the Case, no better Evidence could
be obtained.

These Observations, Your Committee presume,
sufficiently evince the good Use and Tendency of the
Company's By-Laws, to the Regulation of Persons
exercising its Art within the Limits of your Charter;
and that the publick Utility is concerned, in your En-
deavours, to procure the Establishment of your Con-
stitution and Ordinances, in a Manner the most effec-
tual for the good Purposes intended by them.

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FOR these Reasons, as also in Justice to the Free Scriveners of this Company, whose Rights and Privileges have been invaded by Notaries, Attornies and others, Your Committee are desirous of inforcing, as far as possible, the ancient and customary Rights and Privileges of the Free Scriveners of the City of *London*, confirmed and established by your Charter and By-Laws: To the End, that no Persons whatsoever, whether a Freeman of this Society, or of any other Company of the City of *London*, or a Stranger, or Native, might use or exercise the Art, Science or Miftery of a Scrivener, within the Cities of *London* and *Westminster*, the Borough of *Southwark*, or elsewhere, within three Miles of the City of *London*, (except *Serjeants and Barristers at Law*) unless they should be examined, by the Master, Wardens and Assistants of this Company, for the Time being, or any six of them, of which the Master and Wardens or any of them to be one, touching their Sufficiency and Ability to use and exercise the said Art or Miftery, upon the Foot of the nineteenth By-Law, and should make the Oath and Subscription aforesaid, agreeable to the Twentieth and Twenty-first By-Laws, and, by a publick Testimonial under the Common Seal of this Company should be al-lowed and admitted to use and exercise the Science, Art or Miftery of Scriveners, under a Fine or Penalty for

for their Default; by which Means, many Persons, illiterate and unskilful, and such as have had no regular Education or Experience in the said Art, and were of bad Fame might be prevented from the undue Exercise of it.

THIS, as Your Committee conceive, would be exercising no greater Power than what is put in force by several other Free Companies of this City, such as the Surgeons, Brewers, Innholders, Joyners, and many others, which oblige Non-Freemen, using their respective Arts or Trades, to become free of the City, and of their particular Companies, to qualify them for the Exercise of such Arts.

HAVING proceeded thus far, in tracing out and collecting the Information and Materials above stated from the Company's Books, and otherwise, as they were able, and made what Observations occur'd to them thereon, Your Committee came to a Resolution that your Clerk should form a Case with proper Queries, and lay the same before Council, that Your Committee might be enabled to give you further Satisfaction, and inform you with greater certainty, (among other Particulars) *Whether Persons living out of the City of London, who use or exercise the Craft Mystery or Occupation of a Scrivener, and have not served an Apprenticeship thereto for Seven Years, are*

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liable

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liable to the Penalty of forty Shillings a Month upon the Statute of 5 Eliz. cap. 4. And also, Whether Persons not being free of the City of London, who use or exercise the Trade, Art, Mistery or Occupation of a Scrivener, within the City, are liable to the Penalty of five Pounds, upon the City's Custom and By-Law before-mentioned.

IN consequence of which Resolution, your Clerk having prepar'd such Case and laid the same before several eminent Council learned in the Law, it appears, that, they have thereupon concurred in the Opinion, "That the Business of a Scrivener is a "Trade, Craft, Mistery, or Occupation, within the "Meaning of the 31st Section of the said Statute of "5 Eliz. cap 4. And consequently, that any Person "who shall set up, occupy, use or exercise the Craft "or Mistery of a Scrivener, without having served "Seven Years thereto, according to that A&t, will "be liable to the Penalty therein mentioned."

AND the Council likewise agree in giving it as their Opinion: "That by the Custom of *London*, "any Person not being free of the City, who shall use "or exercise the Trade, Art, Mistery, or Occupation "of a Scrivener within the Limits of the City, will "be liable to an Action of Debt, at the Suit of the "Chamberlain of *London*, in the Mayor's Court, for "the

" the Penalty of five Pounds, upon the City's By-Law, in the Manner stated, in the Case of the City of London, reported by Lord Coke."

AND, here, Your Committee think proper to declare, that, as they would be far from aiming to exclude all who are not already of their own immediate Corporation or Society, from exercising the proper Business of a Scrivener, so, they would not, otherwise, recommend it to you, to avail yourselves of those Advantages, which Your Committee are advised, you are entitled to by Law, than, as the Means of enlarging your own Body, by bringing into your Society all others using and frequenting the Science, Art, or Mystery of a Scrivener, within the Limits of the Company's Charter: To the End, that they may all be under the like Regulations with the regular Scriveners of this Company; And that it may be, as much incumbent upon such other Persons using the Art of Scriveners, within the Limits of your Charter, to be admitted into the Scriveners Company, as it is necessary for such of them who are Attornies, or Solicitors, to be admitted and sworn as such, to qualify themselves for their acting in those Capacities.

AND as the Expence of Admission into the Freedom of this Company is inconsiderable, Your Committee imagine, such Admission would not be unacceptable

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ceptable to the Generality of the Attornies, and Sol-
litors within the Limits of the Company's Charter,
in as much as, by this means, they might very soon
become, in Effect, an incorporated Body of them-
selves, which, at present, they are not; and there-
by, might more effectually hinder School Masters,
Petty Stationers, and others who have had neither
Education nor Experience, from intruding upon them,
as well as the regular Scriveners, which are already
Members of this Company, in respect of the proper
Business, Art or Mistry of a Scrivener.

Y O U R Committee have now laid before you the
Progress they have made, in the prosecution of the
Ends, for which, they were appointed, and they can
with truth assure you, that no pains have been want-
ing in them, to do the utmost in their Power to pro-
mote the Welfare and Prosperity of the Company:
And tho' Your Committee are sensible, the Methods
they have taken have been attended with a consider-
able Expence, yet, they flatter themselves, they shall
be justified in the Satisfaction it will be the means of
giving, not only, the present, but all future Members
of the Company, by informing them, what have been
the original Constitution and customary Rights of the
Company, and how far the same are valid and effec-
tual in Law.

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AND Your Committee submit it to your Consideration, whether any, and what other Steps can be taken, than what have been already pursued, and are herein after proposed, by Your Committee, with a View, of advancing the State of the Company, and, adding to the Number of its Members: But Your Committee cannot help expressing the Concern it gives them, not only, as they are Members of *this Company*, but also, as they are Citizens of *London*, to think, that so great a Number of Persons as practise the Art or Mistry of Scriveners, in *this great City*, should be lost to *Both*, by Means of Non-Freemen, being suffered to encroach upon the proper Trade or Business of one of the Free Companies of this City, without being free of the same, or of any other free Company whatsoever. And as this Encroachment has occasioned the present great decrease in the Number of Free Scriveners, so is it likely, in a very few Years, to sap and destroy the very Being of the Company itself, unless some effectual Remedy be provided against it, by the Legislative Power of the City of *London*, which, Your Committee presume to think, is no less concerned in this Company's Preservation, than the particular Members of the Company themselves, as the Scriveners have ever been one of the free Companies or Mistersies of the City; and till within these forty or fifty Years last past, no less than fifty or sixty Apprentices
used.

The Report of the Committee

used, annually, to be bound to Freemen exercising the Art of Scriveners, and near the same Number of Scriveners used, one Year with another, to take up their Freedom of the City, and there used to be, generally, about twenty regular-bred Scriveners free of other Companies, who, in regard, they practised the Art, did upon that Account pay Quarterage-Money to the Scriveners Company; whereas within these last thirty Years there has not been more than about the like Number of regular-bred Scriveners bound or made free in all; and it is well known that, at present, there is not in the whole City of *London*, above fifteen or twenty such free Scriveners, which, as Your Committee have before observed, has been manifestly occasioned by Foreigners being suffered to use the Art of Scriveners, within the City, in direct Violation of the Rights and Priviledges of this Company, and of the City of *London*; And particularly, of the known Custom of *London*, herein before set forth; which Custom, if it be valid and effectual in respect of any Trades, Arts, or manual Occupations exercised within the City, must be so in all, but more especially in the case of such of the Trades and Arts now in Being, which from their Nature and Antiquity did originally denominate and constitute the Free Companies of this City, of which the Business, Trade, or Art of Scriveners must necessarily be taken to be one; and consequently, all Persons whatsoever who take upon them

them to practise as Scriveners, within the City of *London*, ought in pursuance of the said Custom to take up their Freedom of the City; and such Persons being Notaries, Attornies, or Sollicitors, neither is, nor ought to be, a sufficient Qualification for their practising as Scriveners, within the City, unless they are likewise free of it, any more than it would be, for their occupying or exercising the Art, Mistery, or Science of Surgeons, Apothecaries, Musicians, or Inholders, or any other free Art, Trade, or Mistery in, and belonging to any other free Company of, the City of *London*.

As the Number of People is esteemed the Wealth and Strength of the Kingdom, so is the Number of Freemen the Wealth and chief Support of this its Metropolis: And as this City can no otherwise subsist in its political State, but by it's Free Companies, so in as much as they fall off and decline, for Want of a due attention to their Continuance and Support, in right of the several Arts and Musteries, from the Occupation or Exercise of which, the several Companies derive their particular Constitutions, it becomes no less the Concern and Interest of the City, than, of the Companies, to contribute as much as possible to the Preservation of their Rights and Privileges, by preventing all Incroachments from Foreigners, in the Exercise of any of the Arts, proper to the free Companies of the City.

THESE.

THESE Considerations having given Your Committee Occasion to make Inquiry into the Causes of the Decline of their own, and some others of the Free Companies of the City of *London*, they are of the Opinion that some of those other Companies, such as the *Bowyers*, *Fletchers* and *Lorriners*, &c. owe their Decline, as free Arts exercised within the City, to quite different Causes from each other as the Arts themselves are different, for the *Bowyers* and *Fletchers*, the proper Arts of whose Companies were to make Bows and Arrows to be used in War, are, in a manner, ceased, in respect of such their particular Arts, ever since the Invention and Use of Gun-powder, and the *Lorriners* Company, as Your Committee have been informed, have lost all the Freemen exercising the proper Art of their Company, by means of such Persons choosing rather to become Members of the Company of *Sadlers*, whose Art, that, of *Lorriners* or *Bit-makers*, bears a near relation to, and has a natural connection with; so that that tho' the City may in a small Course of Years be likely to lose the Company of *Lorriners*, for want of Members of it exercising their particular Art, upon which alone the necessary Existence of any Company must absolutely depend, yet the City in general can have no Loss. as to the Number of Freemen exercising that Art, since such as are *Lorriners*, by Occupation, are free of the City, by some

some other Companies: but, there is no Remedy, or certain Means for preserving and continuing the *Fletchers* and such like Companies, whose Arts, from their Nature, are subject to cease and become useless, so as to lose their very Being: Which gives Your Committee Occasion to observe, the great Difference there is, between the Company of *Scriveners*, and those other Companies abovementioned; for, that the Decline of the *Free Scriveners* is owing to neither of the two Causes above taken notice of, is clear and obvious; since, it is well known, that the proper Art or Business of the *Scriveners* Company flourishes more, and is become much more in use, at this Time, than ever, and, that there is no other free Company of the City which, bears any the least relation to, or connection with it, in respect of the Nature of the Art itself, so as to induce any of it's Professors to take up their Freedom of the City by any other Company, to qualify them for the Practise of such Art, as Freemen of *London*; nor is there any Reason to apprehend, that the Art of *Scriveners* in it's Nature will or can ever cease or be lost, in the Use or Exercise of it, because, it must necessarily have Continuance as long as, the Use of Letters, and while, there is any such Thing as Property remaining, among the Citizens of *London* under the Protection and Direction of the Laws; This Consideration will likewise serve to shew, that *Scrivenership* is an Art which must necessarily have had as

early an Existence as any of the Free Companies in the City of *London*, and indeed, as early as the Foundation of the City itself, since the Use of Letters and the Art of Writing must be allowed to be necessary to the Establishment of all Civil Society: And as it may reasonably be imagined, that the City of *London*, upon its Original Institution or Foundation, comprehended, within it's Limits or Boundaries all the necessary and useful Arts, for the Preservation of the whole Body Politick, and the Use and Accomodation of the several Inhabitants within it, so, it cannot be conceiv'd, but that, the Art of *Scriveners* was as useful, in ascertaining and securing the Right of Property among the first Founders of the Civil and Political Establishment of this great City, as it is universally known to be at this Day, it being in a manner impracticable in the Nature of Things, for the Inhabitants of such a Trading City as *London*, to transact many Particulars, relating to Commerce, without entring into written Contracts with each other as the necessary Means of stipulating their several Rights and Interests for the avoiding all Disputes and Controversies; and for this Purpose, Deeds, or written Instruments sealed by the contracting Parties, were found to be of the greatest Use, as the most lasting, authentick, and unquestionable Evidences of the Transfer of any Rights, from one Merchant or Trader to another, in such Kinds of Property, more especially as would admit of no actual

Delivery.

Delivery or Partition; this, as Your Committee conceive, was the Original, of Charter-Parties, Bills of Sale, and such like Deeds, or sealed Instruments, concerning Matters of Trade, as well as of all kind of written Conveyances relating to Real Estates; upon which Account, the Persons, who made it their peculiar Art or Mistery to deal in any such Deeds or Writings, were called *Scriveners*, who, as they increased together with Trade and Commerce, became necessarily formed into a regular Society or Company, for their own and the Publick Good, in like manner as, other Arts or Misteries of the City and such *Scriveners* were, till of late Years considered, to be so far from having any connection with *Attorneys*, that the Art or Mistery of the former was looked upon, and made use of as the Means of preventing as much as possible, all Manner of Occasion for applying to the latter.

HENCE it was, as Your Committee apprehend, that Persons using the Art of *Scriveners* Originally became one of the free Companies of the City of *London*; and till within these forty or fifty Years last past, as Your Committee have before observed, all *Scriveners* were obliged to be Freemen of *London*, to qualify them for the Use and Exercise of their Art, within the City; and there were constantly not less than between two and three Hundred Free *Scriveners*: But

to the great Loss and Detriment of the City, as well as, of this Company, the *Free Scriveners* are now reduced to a very small and inconsiderable Number by the continual Encroachment of Foreigners, who, under Pretence of being *Notaries Publick*, *Attornies*, or *Solicitors*, take upon them, to occupy the Art or Mystery of *Scriveners* within the City, without being free, by which means, the proper Business, Art, or Trade of one of the Free Companies is got into the Hands of Foreigners, at a Time, and under Circumstances, when, the Art itself is in the most flourishing Condition, there being a much greater Number of Non-Freemen, who, now practise the Art of *Scriveners*, within the Freedom, than there used formerly to be of *Scriveners* regularly-bred, and franchised into the Freedom of the City, and who are so many Members lost to the Body of the City in general, as well as to the Company in particular.

THIS Loss to the City of *London* of it's *Free Scriveners*, has been occasioned meerly, as Your Committee apprehend, by neglecting to inforce the Custom of *London* against Non-Freemen using the Art of *Scriveners*, in like manner as it is done almost every Day against Foreigners occupying the Arts or Trades proper to other free Companies of the City; and Your Committee are of the Opinion, that such Neglect has been owing to the Inability or want of sufficient Power in the Company of *Scriveners*.

to compel Persons acting as Scriveners within the City of *London* to take up their Freedom of the City, by their own Company, and, that if the Company of *Scriveners* was invested with the like Power as the Companies of *Innholders*, *Joyners*, and some others of the Free Companies are possessed of by Act of Common Council, so as to enable them to oblige Persons who any ways use the Art of *Scriveners*, within the City, to become free of. This, the only Company proper to that Art, as well as to take up their Freedom of the City; this Infringement upon the Custom itself, in the instance of Non-freemen exercising the Art of *Scriveners*, within the City, might in that case be effectually prevented, as the Company of *Scriveners*, would thereby be encouraged to inforce such Power, over all Persons using the proper Art of the Company, which would be the certain Means, not only of enlarging their own Body, but likewise, of adding to the Number of Freemen of the City in general; whereas, should this Company without such Act of Common Council in their favour, attempt to inforce the Custom of the City against the Number of Persons who now use the Art of *Scriveners*, without being free of the City, Your Committee have great Reason to apprehend, though the Company should succeed in their Endeavours to inforce the said general Custom, yet that none of the Persons subject thereto, would take up the Freedom of the City

of.

by this Company, but would rather seek to put themselves upon any other free Company of the City, in Resentment for the Process against them for that Purpose, in case the same should be begun and carried on, att he Instance and by the Means of this Company, and consequently the Ends proposed, both of increasing your Members, and of bringing all Persons exercising the Art, or Miftery of *Scriveners*, within the City, under due Regulation, would be equally frustrated.

THESE are some of the Reasons which have inclined Your Committee to be of the Opinion, considering the Nature and Constitution of this Company and it's particular Art or Miftery (by which it is distinguished from all other free Companies of *London*) that *nothing* is likely to advance it's Welfare and Prosperity, (by gaining an increase of it's Members, at the same Time that it must necessarily add to the Number of Freemen of the City in general, and greatly tend to the Benefit and Security of all the Inhabitants of Property within it;) *so much as* an Application by way of Petition to the Right Honourable the Lord Mayor, Aldermen and Commons in Common Council, setting forth the particular Hardships and Disadvantages this Company lies under, and the ill Consequence to the City, from your Want of sufficient Encouragement to inforce the great Custom of *London*, against

Non-

Non-Freemen exercising the Trade Art, or Mistery of the *Free Scriveners*, within this City and Liberties, and remonstrating the great Danger this Company is in of being lost to itself and the City, by the continual Encroachments of Foreigners upon the proper Art or Mistery of this Company, and to Pray the Court of Common Council, (as the Protectors and Guardians of the Rights and Privileges as well of this great City in general as of every particular Company and the several Freemen thereof,) to take the Circumstances of this Company into their Consideration, and grant them an Act, by which all the Freemen of this City, and the Liberties thereof, using the Art, Mistery or Science of *Scriveners*, may be obliged from time to time to be free of this Company; to the Intent, that they may become subject to the good Laws and Ordinances of it, and be brought under your Search, View, and Regulation, whereby, all Frauds, Unskilfulness, Defaults and other Offences, in the Art, Mistery or Science of *Scriveners*, may more effectually be prevented or discovered and punished and that for the future no Person or Persons using or exercising the Art, Mistery or Science of *Scriveners* within this City or the Liberties thereof, may be made free of this City, by Servitude, Patrimony, or Redemption in any other Company than the Company of *Scriveners*: Or, that the said Court of Common Council will grant you such other Assistance and Relief as They shall think fit.

AND

AND tho' Your Committee are sensible, it would be too great a Presumption in Them, to take upon them to say, what Success, such an Application would be attended with; yet, they will venture to submit it, as their Opinion, that, whatever the Consequence may prove of these your Endeavours, *not only*, to Retrieve the declining State of your Company, (whose Welfare and Prosperity is become your immediate Concern, as its Court of Assistants) by preventing such notoriuous Instances of the Incroachments of Foreigners, in prejudice of the known Rights and Privileges of the free Citizens of *London*, in what most essentially concerns their Interest, the Exercise of the particular Trade or Occupation, to which, every Citizen is entitled, in Right of his Freedom of the City in general, and of his proper Company in particular; *But also* to Render your Constitution and By-Laws of general Benefit to the whole City, by subjecting thereto all Persons who shall exercise, within it, the proper Art of this Company; You will, in all Events, however, merit the grateful Acknowledgments of every present and future Member of your Company, so long as it shall continue to have any Existence, (if not the **Approbation of Your Fellow-Citizens in general,**) by your Commendable Zeal, in the Efforts you have made with a View to *such good Ends*, as well to promote the lasting Welfare and Prosperity of your Company, as to prevent its speedy Dissolution, which last mention'd Circumstance, Your Committee have too much Reason to fear is unavoidable (as far as *they* are able to judge upon the whole) without the Protection and Assistance of the Chief Power of the City, in the Manner beforemention'd. All which Your Committee submit to Your Consideration.

F I N I S.
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